



OCC ALERT

Comptroller of the Currency
Administrator of National Banks

Subject: Guidance on 314(a)
 Information Requests

TO: Chief Executive Officers of All National Banks; All State Banking Authorities; Chairman, Board of Governors of the Federal Reserve System; Chairman, Federal Deposit Insurance Corporation; Conference of State Bank Supervisors; Deputy Comptrollers (districts); Assistant Deputy Comptrollers; District Counsel and Examining Personnel

This alert transmits guidance issued by U.S. Treasury Department's Financial Crimes Enforcement Network (FinCEN) on March 21, 2003. FinCEN has received a number of comments from financial institutions regarding the 314(a) system. The attachment provides financial institutions with additional guidance. It is available on FinCEN's Web site at [<http://www.fincen.gov>] and includes the following major points:

- For search requests that go beyond the general search requirements of 314(a), an institution need not perform the expanded searches unless it is able to do so electronically. However, law enforcement may issue a subpoena for this information at a later date.
- The batched 314(a) transmissions will include a consolidated index of all the names being requested (including aliases) in tab-delimited format to improve the process.
- Only the most significant requests (primarily terrorist-related) are being sent to financial institutions.

Inquiries concerning section 314(a) of the USA PATRIOT Act should be directed to James Vivenzio, special assistant to the deputy chief counsel by phone at (202) 874-5200, or Brian C. McCormally, director, or Robert S. Pasley, assistant director, Enforcement and Compliance Division by phone at (202) 874-4800. In addition, copies of the previous OCC Alerts on 314(a) can be obtained from the OCC's Web page at <http://www.occ.treas.gov>.

Daniel P. Stipano
Deputy Chief Counsel

Attachment
[http://www.fincen.gov/fin_inst_notice.pdf]



Financial Crimes Enforcement Network Department of the Treasury

March 21, 2003

Notice to All Financial Institutions

As FinCEN works to continue to improve the 314(a) system, the following information is provided to all financial institutions and is based on comments FinCEN has received through its Regulatory Help Line and from the federal regulatory agencies.

The batch transmission sent the week of March 17, 2003, included a consolidated index of all the names that were being requested in a tab-delimited format. FinCEN recognizes that this format may not be ideal for every addressee; however, it is the most compatible to the needs of the majority of addressees. Although a programming problem prohibited the inclusion of all aliases on the index, that problem has been rectified. Future indexes should include all subjects and aliases requested in the individual subject information forms. Feedback received by FinCEN indicates that the consolidated index is a major timesaving improvement to the process.

Be assured that FinCEN is carefully vetting all requests from law enforcement through senior levels in the requesting agencies. In turn, law enforcement is verifying that all requests being forwarded to financial institutions represent only the most significant investigations, primarily terrorist related, and that the corresponding need for the requested information is critical.

In the last batch transmission, several law enforcement officials requested a records search beyond the general search requirements for 314(a). If your institution is unable to conduct this expanded search electronically, the expanded search is not required at this time. However, law enforcement may issue a subpoena for this information at a later date.

Our goal is to maximize the effectiveness of the system by providing law enforcement with the information it needs while, at the same time, minimizing the burden on financial institutions. We know you may have additional concerns about the 314(a) process, including the requirement to manually search records of cash purchases of monetary instruments, and we are currently working with law enforcement to review this requirement.

Again, we appreciate the support and input we have received, as we all continue to comply with this new requirement. If financial institutions have additional concerns or questions, they should contact their primary federal regulator or FinCEN as follows:

((Contact information updated December 16, 2004))

Board of Governors of the Federal Reserve System

For Point of Contact Changes or Additions:

e-mail: patriotact@frb.gov or

fax: (202) 736-5641

For Questions:

telephone: Laurie A. Bender, Senior Special Anti-Money Laundering Examiner at (202) 452-3794

Commodity Futures Trading Commission

Contact information:

E-mail: AMLstaff@cftc.gov

Fax: (202) 418-5528

Questions: Helene D. Schroeder, Special Counsel, Division of Clearing and Intermediary Oversight at (202) 418-5424

Federal Deposit Insurance Corporation

Contact information:

All changes must be made through the quarterly call report.

(800) 688-FDIC

E-mail: insurance-research@fdic.gov

Fax: (202) 898-3627

Questions: Special Activities Section at (202) 898-6783

E-mail: fdicadvisory@fdic.gov

NASD

Contact information:

E-mail: antimoneylaundering@nasdr.com

Fax: (202) 728-8341

Questions: Vicky Berberi-Doumar at (202) 728-8221

National Credit Union Administration

Web site: www.ncua.gov

Questions: Contact appropriate NCUA regional office

New York Stock Exchange (NYSE)

Contact Information:

E-mail: SKasprzak@NYSE.com

Fax: (212) 656-2068

Office of the Comptroller of the Currency

All changes must be made through the quarterly Call Report or by filing an amended Call Report.

Fax: (202) 874-5301

Additional Information: OCC Alert 2004-6 (<http://www.occ.treas.gov/Alt1st04.htm>)

Questions: James F. Vivenzio, Special Assistant to the Deputy Chief Counsel at (202) 874-5200.

Office of Thrift Supervision

Contact information:

E-mail: usap.contact@ots.treas.gov

Fax: (202) 906-6518

Questions: Tim P. Leary, Counsel (Banking & Finance) at (202) 906-6012

Financial Crimes Enforcement Network

E-mail: sys314a@fincen.treas.gov

Fax: (703) 905-3660

Questions: Regulatory HelpLine at (800) 949-2732, Option 2